

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
v.) CRIMINAL ACTION NO. 05-30002-MAP
)
FRANK DEPERGOLA and)
ARMANDO BOTTA,)
Defendants)

DEFENDANT, FRANK DEPERGOLA'S RENEWED MOTION TO EXTEND
SELF SURRENDER DATE

Now comes the defendant, Frank Depergola, and moves this Honorable Court to extend the date for self surrender to December 29, 2006.

As reasons therefore, please see Affidavit of Counsel attached hereto.

Date: November 10, 2006

The Defendant,

/s/ Michael L. Foy
Michael L. Foy, Esq.
935 Main Street, Ste 203
Springfield, MA 01103
(413) 781-1106
BBO#176920

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AFFIDAVIT OF COUNSEL

I, Michael L. Foy, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank Depergola.
3. On October 18, 2006, the defendant was before the Honorable Judge Michael A. Ponsor for sentencing. The defendant received a sentence that included 24 months incarceration with a recommendation that the sentence be served at the federal institution at Ft. Devens.
4. The defendant was ordered to self surrender on November 20, 2006 before 2:00 p.m.
5. As of this date, Mr. Depergola has not received any documentation or information from the Bureau of Prisons or the Marshall's office regarding
6. The instructions he received indicated he was to give a 7 day notice to the Marshall's office of his destination for the purposes of serving his sentence, and the seven days will expire this Monday, November 13, 2006.
7. Because the defendant has not yet received documentation or telecommunication from the Bureau of Prisons designating confirmation that he is to self surrender at Ft. Devens, an extension for self surrender appears to be in order to assure assignment to Ft. Devens.

8. Further, as a result of receiving no communication to date, the defendant has no knowledge of his obligations at this time.
9. The defendant is sincerely grateful to the Court for recommending that his sentence be served in a facility that will allow his family better access to exercise visits. By allowing the defendant's motion, this would help insure his placement at Ft. Devens.
10. The defendant further reiterates his reasons for requesting the motion, which include being able to spend Christmas with his young children and family, finding an employee for his used car business and completing his financial obligations.
11. The defendant is respectfully requesting that he be allowed to self surrender on Friday, December 29, 2006.

Signed under the pains and penalties of perjury this 10th day of November, 2006.

/s/ Michael L. Foy
Michael L. Foy